

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

CARNELL CONSTRUCTION CORP.,)	
)	
Plaintiff/Counterclaim Defendant,)	
)	
v.)	
)	
DANVILLE REDEVELOPMENT &)	
HOUSING AUTHORITY)	Case No. 4:10CV00007
)	
Defendant/Counterclaim Plaintiff)	
)	
v.)	<u>ORDER</u>
)	
BLAINE SQUARE, LLC)	
)	
Defendant/Counterclaim Plaintiff)	By: Jackson L. Kiser
)	Senior United States District Judge
)	
v.)	
)	
INTERNATIONAL FIDELITY)	
INSURANCE COMPANY,)	
)	
Counterclaim Defendant.)	

Before me is Defendant/Counterclaim Plaintiff Danville Redevelopment & Housing Authority's and Defendant/Counterclaim Plaintiff Blaine Square, LLC's Motions for Summary Judgment against Carnell Construction Corporation. The parties filed supporting and opposing briefs to the motions and I heard oral argument on January 4, 2011. The matter is now ripe for decision.

For the reasons stated in the accompanying Memorandum Opinion filed contemporaneously herewith, I will partially **GRANT** Defendants' Motions for Summary Judgment. Because I find that Va. Code § 2.2-4309(A) applies to this case, Plaintiff's recovery under the Contract is, as a matter of law, limited in accordance with that section. In all other

aspects, Defendant/Counterclaim Plaintiffs' Motions for Summary Judgment are **DENIED**.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

Entered this 25th day of January, 2011

s/Jackson L. Kiser

Senior United States District Judge